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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/621,003

07/16/2003

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PHILIPS INTELLECTUAL PROPERTY & STANDARDS

P.O. BOX 3001

BRIARCLIFF MANOR, NY 10510

EXAMINER

ANYIKIRE, CHIKAODILI E

ART UNIT

PAPER NUMBER

2621

MAIL DATE

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/621,003	<b>Applicant(s)</b> BRULS ET AL.	
	<b>Examiner</b> Chikaodili E. Anyikire	<b>Art Unit</b> 2621	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 16 July 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some    \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>11/24/2003</u> . | 6) <input type="checkbox"/> Other: _____  |

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chikaodili E. Anyikire whose telephone number is (571) 270-1445. The examiner can normally be reached on Monday to Friday, 7:30 am to 5 pm, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mehrdad Dastouri can be reached on (571) 272 - 7418. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

CEA

*Mehrdad Dastouri*  
MEHRDAD DASTOURI  
SUPERVISORY PATENT EXAMINER  
TC 2600

### **DETAILED ACTION**

1. This Office Action is responsive to application number (10/621003) filed on July 16, 2003. Claims 1-21 are pending and have been examined.

#### ***Information Disclosure Statement***

2. Acknowledgement is made of applicant's information disclosure statement

#### ***Claim Rejections - 35 USC § 101***

3. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.<sup>6</sup>

Claims 17 - 19 rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claims 17-19 define a control software and electronic video content information embodying functional descriptive material. However, the claims do not define a computer-readable medium or memory and is thus non-statutory for that reason (i.e., "When functional descriptive material is recorded on some computer-readable medium it becomes structurally and functionally interrelated to the medium and will be statutory in most cases since use of technology permits the function of the descriptive material to be realized" – Guidelines Annex IV).

#### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

Art Unit: 2621

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-21 are rejected under 35 U.S.C. 102(e) as being anticipated by Kato et al (US 6,535,556).

As per claims 1, 5, 18, and 19, Kato et al discloses a method and electronic device of encoding a video picture, the method comprising:

for a segment of the video picture determining if the segment can be reconstructed from at least another video picture based on motion-compensated interpolation (Fig 9, 52; Fig 10, Step SP21) applied to the other video picture (Fig 10, Col 15 Ln 6-40 and Col 17 Ln 34-48; the prior art discloses a coding difficulty between I-picture and B-pictures );

if the segment cannot be reconstructed, encoding the segment (Fig 10, Steps SP23 and SP24, Col 17 Ln 49-64); and

otherwise skipping the segment (Fig 10, Step SP25; Col 17 Ln 65- Col 18 Ln 10).

As per claims 9, 13, and 17, Kato et al discloses a method of decoding an encoded video picture (Fig 9, 49 and 50), the method comprising:

determining if a segment of the picture is missing (Col 15 Ln 6-40); and

if the segment is missing, reconstructing the segment from motion-compensated interpolation (Fig 9, 52) applied to at least another video picture (Col 15 Ln 6-40; the

prior art discloses setting a skip flag to keep track of whether the codec should skip a segment).

As per claims 2, 6, 10, and 14, Kato et al discloses the method of claim 1, 5, 9, and 13 wherein the segment comprises a macroblock (Col 4 Ln 22-35).

As per claim 3, 7, 11, and 15, Kato et al discloses the method of claim 1, 5, 9, and 13 wherein the encoding comprises using a coding scheme compliant with one of ISO and ITU video compression standards (Col 1 Ln 18-51 and Col 2 Ln 23-28).

As per claim 4, 8, 20, and 21, Kato et al discloses the method of claim 3 and 7 wherein the coding scheme complies with MPEG-2 and wherein the determining comprises:

decoding an encoded B-picture (Fig 9, 49 and 50; Col 13 Ln 66 - Col 14 Ln 40);

generating a further picture using motion-compensated interpolation applied to the other video picture (Fig 9, 52; Col 14 Ln 29-40);

determining a difference per macroblock between the decoded B-picture and the further picture (Fig 9, 30); and

evaluating the difference under control of a consistency measure of motion vectors associated with the further picture (Fig 9, 30 and 52; Col 14 Ln 29-55).

As per claims 12 and 16, Kato et al discloses the method of claim 10 and 14, wherein:

decoding the picture comprises using an MPEG-2 skipped-macroblock condition (Col 1 Ln 18-21 and Col 2 Ln 23-28, and Col 15 Ln 6-40); and

writing data, generated by the motion-compensated interpolation to reconstruct the macroblock, over further data generated under the skipped-macroblock condition (Col 14 Ln 29-55).

As per claim 19, Kato et al discloses electronic video content information encoded such that at decoding at least one segment of at least one picture is to be reconstructed using motion-compensated interpolation (Fig 9, 52) performed on at least one other picture (Col 14 Ln 29-40).

#### ***Other Prior Art Cited***

6. The following were prior art that the examiner found to be relevant to the application pending.

Miyaji et al (US 5,940,131) is relevant art because it discloses the skipping a segment and applying standards relevant to video compression.

#### ***Conclusion***